

**REMARKS**

Within the Office Action, the Claims 1-21 have been subject to a restriction and/or election requirement. The Restriction Requirement indicates that Group I claims (drawn to an apparatus), Group II claims (drawn to a method of determining a damage threshold) and Group III claims (drawn to a system for eradicating bacteria) are directed to distinct inventions. The Applicants note that Group I claims include Claims 1-12, Group II claims include Claims 13-20 and Group III claims include Claim 21. The Applicants elect, without traverse, Group II including Claims 13-20 for continued prosecution. The Applicants expressly reserve the right to file one or more divisional applications directed toward the non-elected groups.

As a result of this election, Claims 13-20 remain pending in this application. The Applicants respectfully request examination and reconsideration in view of the amendments above and remarks above.

Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: August 1, 2005

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**CERTIFICATE OF MAILING (37 CFR§ 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.  
Date: 8-1-05 By: Vicente C. Lee